UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

MAGISTRATE JUDGE SIMONTON

CASE NO.

00-2901-

UNITED STATES OF AMERICA,

Plaintiff,

v.

10.00 ACRES OF LAND, MORE OR LESS, IN THE COUNTY OF DADE, STATE OF FLORIDA; and ELICER A. LICEA, et al., and Unknown Owners,

Defendants.

Tract No. 204-40 (EAST EVERGLADES)

CLERK WEST HIA

COMPLAINT IN CONDEMNATION PURSUANT TO DECLARATION OF TAKING

- 1. The plaintiff, the United States of America, by and through the undersigned Assistant United States Attorney for the Southern District of Florida, hereby brings this action to take property at the request of HORACE G. CLARK, Regional Solicitor, Southeast Region, U.S. Department of the Interior, for the taking of 10.00 Acres of Land, More or Less, Situated in Dade County, Florida, under the power of eminent domain, by and through the Declaration of Taking executed by HORACE G. CLARK, and for the ascertainment and award of just compensation to the owners and parties in interest.
- 2. The authority for the taking of the land is stated in Schedule A, attached hereto.
 - 3. The public uses for which the land is taken is stated in

We we

Schedule A, attached hereto.

- 4. The property taken, the estates to be taken and the names and addresses of persons having or claiming an interest in the property are contained in Schedules B and C attached hereto.
 - 5. A plat showing the land taken is attached as Schedule D.
- 6. Local and State taxing authorities may have, or claim, an interest in the property by reason of taxes and assessments.
- 7. In addition to the persons named, there are, or may be, others who have or may claim some interest in the property taken, whose names are unknown to the plaintiff; such persons are, hereby, made parties to the action under the designation, "Unknown Owners."

WHEREFORE, the plaintiff prays that this Court order that the property be condemned, pursuant to both the Declaration of Taking filed with this complaint and the Declaration of Taking Act, 40 U.S.C. § 258a; that just compensation for the taking be ascertained and awarded; and that this court order such other relief as may be lawful.

Respectfully submitted,

GUY A. LEWIS

UNITED STATES ATTORNEY

By:

TAROL E.A. DEGRAFFENREIDT

Assistant United States Attorney

Florida Bar No. 0642101

99 N.E. 4th Street

Miami, Florida 33132 TEL: (305) 961-9330

FAX: (305) 530-7139

SCHEDULE "A"

EVERGLADES NATIONAL PARK

AUTHORITY FOR THE TAKING

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 1, 1888, 25 Stat. 357, as amended, 40 U.S.C., sec. 257; the Act of Congress approved February 26, 1931, 46 Stat. 1421, as amended, 40 U.S.C., sec. 258a, the Act of May 30, 1934, 48 Stat. 816, as amended, which authorized the establishment of Everglades National Park; the Act of December 13, 1989, 103 Stat. 1946, 16 U.S.C., sec. 410r-5, et seq., which expanded the boundaries of Everglades National Park; and the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended, 16 U.S.C., sec. 460l-4, et seq.; and under the authority of the Department of Interior and Related Agencies Appropriation Act, 2000, as enacted by section 1000 (a) (3) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), which Act appropriated funds for such purposes.

PUBLIC USES

The public uses for which said land is to be taken are as follows: The land is required to modify the boundaries of Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park for the benefit and enjoyment of future generations. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

EVERGLADES NATIONAL PARK

Tract 204-40

DESCRIPTION:

All that certain tract or parcel of land lying and being situated in the County of Dade, State of Florida, and being more particularly described as follows:

Tallahassee Meridian Section 36, Township 54 South, Range 37 East,

NE1/4 SE1/4 SW1/4

Containing 10.00 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above-described property is \$5,000.00.

ESTATE TAKEN:

The fee simple title subject to: (a) all interests of the State of Florida or any political subdivision thereof; (b) oil, gas and mineral interests of record outstanding in third parties; (c) rights of others in and to an easement for a road right-of-way, created by a Declaration of Easements dated March 1970, and recorded in O.R.B. 6853, Page 484 of the Public Records of Dade County, Florida; (d) all matters as shown of record on the Plat of Tamiami Trail Lands, recorded in Plat Book 4, Page 92, and amended plat recorded in Plat Book 4, Page 119 of the Public Records of Dade County, Florida; and (e) existing easements for public roads and highways, public utilities, railroads, and pipelines.

SCHEDULE "C"

EVERGLADES NATIONAL PARK

Tract 204-40

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Elicer A. Licea and Hermida Licea, his wife

(address unknown)

last known address:

552 NW 28th Street

Miami, FL 33127

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN THE LAND:

Ann Tucker or J. Tucker, Trustee P.O. Box 144366 Coral Gables, FL 33114 (By virtue of Tax Certificate No. 99-00040698)

B. Tucker, Trustee

P.O. Box 144366

Coral Gables, FL 33114

(By virtue of a Notice of Lis Pendens, Case No. 95-06894, recorded in O.R.B. 16743, Page 2112, of the Public Records of Dade County, Florida; and by virtue of an Assignment of Mortgage recorded in O.R.B. 16545, Page 4222, of the Public Records of Dade County, Florida)

Commercebank, NA

President: Millar Wilson 220 Alahambra Circle

Coral Gables, FL 33134-5255

(By virtue of a Final Judgment, recorded in O.R.B. 18459, Page 3840, and re-recorded in O.R.B. 18497, Page 4306, of the Public Records of Dade County, Florida)

Fidelity and Deposit Company of Maryland

300 St. Paul Place

Baltimore, MD 21202

Registered Agent:

Insurance Commissioner State of Florida

Capitol Building

Tallahassee, FL 32301

(By virtue of a Final Judgment, recorded in O.R.B. 15023, Page 2291, and re-recorded in O.R.B. 18038, Page 96, of the Public Records of Dade County, Florida)

SunTrust Bank Holding Company f/k/a SunBank/Miami, N.A. 200 S. Orange Avenue Orlando, FL 32802

Registered Agent: Janet C. Thorpe

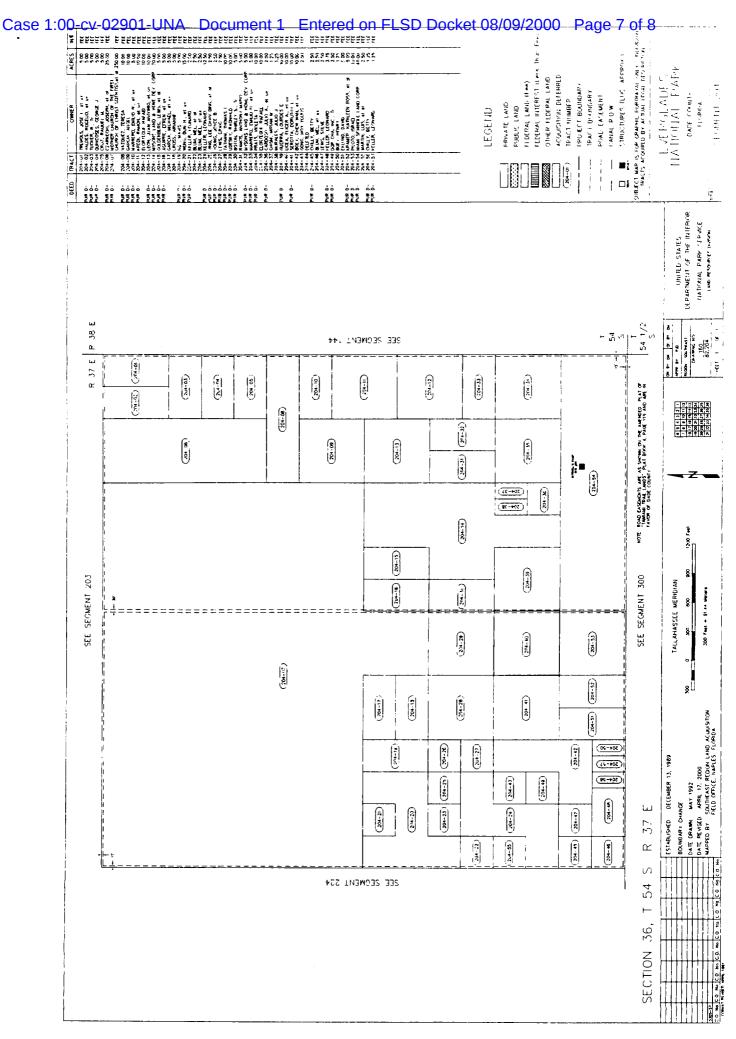
same address as above

(By virtue of an Agreed Final Judgment, recorded in O.R.B. 17510, Page 2302, of the Public Records of Dade County, Florida)

Department of Treasury
Internal Revenue Service
District Counsel
1114 Federal Office Building, Stop 8000
51 Southwest First Avenue
Miami, FL 33130
(By virtue of a Notice of Federal Tax Lien, recorded in O.R.B. 18010, Page 528, of the Public Records of Dade County, Florida)

Tax Collector
Tax Collection Division, South Dade Branch
County of Dade
10710 Southwest 211th Street
Miami, Florida 33189
(By virtue of a possible lien for real property taxes)

Unknown owners



Case 1:00-cv-02901-UNA Document Y Entered on PLSD-Docker 01/19/2004 19/2004 19/2004

he JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading or other papers as required by w, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of a Cierk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS		DEFENDANTS			
UNITED STATES OF AMERICA			10.00 Acres of Land, More or Less, Situate in Dade County, Florida; and		
MAGISTRATE JUDGE SIMONTON			CIV-NESBITT		
b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)			COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT		
Dade A 1:00CV 2901		I LCN/AMS	TRACT OF LAND INVOLVED CO		
c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHO Carol E.A. DeGraffenreidt 99 N.E. 4th Street Miami FI 33132 (305)		ONE NUMBER) , AUSA 961-9330	ATTORNEYS (IF KNOWN)		
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